

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA,)	CRIMINAL NO. 17-274
)	
)	CHIEF JUDGE JOY FLOWERS CONTI
v.)	
)	
MICHAEL GINYARD, JR.,)	
)	
Defendant,)	
)	

MEMORANDUM OPINION

CONTI, Chief District Judge.

Defendant Michael Ginyard, Jr. (“Ginyard”) filed a pro se motion to dismiss the indictment in this case. (ECF No. 31). The court will deny the motion without prejudice, without the necessity of a response from the government.

District courts have the “authority to issue limitations on [defendant’s] pro se filings submitted while represented by counsel.” *United States v. D’Amario*, 256 F. App’x 569, 570 (3d Cir. 2007); *see also McKaskle v. Wiggins*, 465 U.S. 168, 183 (1984) (a defendant does not have a constitutional right to “hybrid” representation); *United States v. Turner*, 677 F.3d 570, 579 (3d Cir. 2012) (“except in cases governed by *Anders*, parties represented by counsel may not file pro se briefs.”) (citing *Anders v. California*, 386 U.S. 738 (1967)).

On June 18, 2018, the court held a hearing on Ginyard’s motion to remove assistant federal public defender Linda Cohn as his attorney. The court explained to him that replacement of counsel may cause a delay while the new attorney learned about the case. Ginyard confirmed that he nevertheless wanted to replace Ms. Cohn with another attorney. The court granted Ginyard’s motion and appointed attorney Sally Frick to represent him under the Criminal Justice Act

("CJA"). Attorney Frick remains attorney of record for Ginyard. Ginyard, therefore, shall not file pro se motions. Instead, he must consult with his attorney, who will file appropriate motions on Ginyard's behalf in the exercise of her professional judgment.

For the foregoing reasons, defendant's pro se motion to dismiss the indictment (ECF No. 31) will be **DENIED**.

An appropriate order follows.

August 27, 2018

BY THE COURT:

/s/Joy Flowers Conti
Chief United States District Judge